



# Awel y Môr Offshore Wind Farm

## Applicant's Response to Marine Licence Re-Consultation Comments

### Deadline 8

**Date: 15 March 2023**

**Revision: A**

Document Reference: 8.21

Application Reference: N/A



REVISION	DATE	STATUS/ REASON FOR ISSUE	AUTHOR	CHECKED BY	APPROVED BY
A	March 2023	ML Deadline 2	GoBe	RWE	RWE
A	March 2023	DCO Deadline 8	GoBe	RWE	RWE

[Redacted]

RWE Renewables UK Swindon Limited

Windmill Hill Business Park  
Whitehill Way  
Swindon  
Wiltshire SN5 6PB  
T +44 (0)8456 720 090

[Redacted]

Registered office:  
RWE Renewables UK Swindon Limited  
Windmill Hill Business Park  
Whitehill Way  
Swindon

# Contents

1	Introduction.....	4
1.1	Background.....	4
1.2	Relationship with the Development Consent Order (DCO) Examination 4	
1.3	Cross-referencing.....	5
1.4	Responses to the Marine Licence re-consultation .....	5
2	Applicant's Response to Marine Licence Re-Consultation Comments.....	7
2.1	The Crown Estate (TCE).....	7
2.2	Natural Resources Wales (Advisory) (NRW(A)) .....	7
2.3	The Ministry of Defence (MoD) .....	22
2.4	Cadw .....	22
2.5	Clwyd-Powys Archaeological Trust (CPAT) .....	23
2.6	Royal Commission on Ancient and Historic Monument of Wales (RCAHMW).....	23
2.7	National Air Traffic Services (NATS) .....	23
2.8	Centre for Environment, Fisheries and Aquaculture Science (Cefas) .	24
2.9	Joint Nature Conservation Committee (JNCC) .....	25
2.10	The Department for Business, Energy and Industrial Strategy (BEIS).....	26
2.11	The Maritime and Coastguard Agency (MCA) .....	26
2.12	Natural England .....	27
2.13	Trinity House .....	27
2.14	The Port of Mostyn .....	29

# 1 Introduction

## 1.1 Background

- 1 Awel y Môr Offshore Wind Farm Limited ('the Applicant') submitted an application for a Marine Licence to the Natural Resources Wales Marine Licensing Team (NRW-MLT) (reference ORML2233) pursuant to Part 4 of the Marine and Coastal Access Act 2009 (MCAA). The application was confirmed as duly made on 20 June 2022.
- 2 NRW-MLT subsequently initiated a 42-day consultation with technical consultees which closed on 3 August 2022, as well as a public consultation which ran from 6 July 2022 until 17 August 2022. Comments received on the Marine Licence application were subsequently provided to the Applicant for consideration, in addition to a series of questions and clarifications requested from NRW-MLT. The Applicant responded to these consultation responses and the Request for Further Information (RFI) on 25 November 2022.
- 3 NRW-MLT then issued the further information provided by the Applicant in response to the RFI to consultees for comment in a re-consultation which closed on 30 January 2023. The Applicant has reviewed these responses and has provided comment on them in Section 2 below.

## 1.2 Relationship with the Development Consent Order (DCO) Examination

- 4 Since Awel Môr Offshore Wind Farm (AyM) is classified as a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008, the Applicant was also required to submit an application for a DCO which was accepted for Examination by the Planning Inspectorate (PINS) on 18 May 2022.
- 5 The processes to determine both the DCO and the Marine Licence are anticipated to run in parallel. Although there are areas of overlap, the two processes are separate and achieve distinct statutory purposes.

- 6 To distinguish documents and comments that relate to the Marine Licence application process from the DCO Examination, the prefix 'ML-' is used, whereas documents related to the DCO Examination process follow the Examination Library referencing system created by PINS.

### 1.3 Cross-referencing

- 7 For ease of referencing and to facilitate future cross-referencing, the Applicant has included references for each of the individual comments received under the consultation on this Marine Licence application:
- ▲ Where comments were broken down into numbered paragraphs or sections by the stakeholder, the Applicant has retained the existing references (e.g. paragraph 1 from the NRW Advisory Team (NRW(A)) becomes 'ML2-NRW(A)- 1'); and
  - ▲ Where these are not available, the Applicant has created a reference for each response by itemising the responses into paragraphs and giving these unique identifiers (e.g. the first comment in the response received from the Isle of Man Government is referenced as 'ML2-PoM-1').

### 1.4 Responses to the Marine Licence re-consultation

- 8 NRW-MLT received a total of 14 responses from consultees:
- ▲ The Crown Estate (TCE);
  - ▲ NRW Advisory (NRW(A));
  - ▲ The Ministry of Defence (MoD);
  - ▲ Cadw;
  - ▲ Clwyd-Powys Archaeological Trust (CPAT);
  - ▲ Royal Commission on Ancient and Historic Monument of Wales (RCAHMW);
  - ▲ National Air Traffic Services (NATS);
  - ▲ Centre for Environment, Fisheries and Aquaculture Science (Cefas);
  - ▲ Joint Nature Conservation Committee (JNCC);
  - ▲ The Department for Business, Energy and Industrial Strategy (BEIS);
  - ▲ The Maritime and Coastguard Agency (MCA).
  - ▲ Natural England (NE);
  - ▲ Trinity House (THLS); and

- ▲ The Port of Mostyn.
- 9 The Applicant has provided responses to, and comments on, the consultation responses received by NRW-MLT in Section 2 below.

## 2 Applicant's Response to Marine Licence Re-Consultation Comments

### 2.1 The Crown Estate (TCE)

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
ML2-TCE-1	<p>Our response remains as originally submitted, that is to say:</p> <p>The Crown Estate is affected by the proposed works and landowner's consent is required. The Crown Estate has already granted the applicant landowner's consent for the proposed activity and has no objection to this Marine Licence application.</p>	This is noted by the Applicant.

### 2.2 Natural Resources Wales (Advisory) (NRW(A))

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
ML2-NRW(A)-0.1	<p>Thank you for your letter dated 08 December 2022 consulting Natural Resources Wales' (NRW) Marine Area Advice and Management Team (NRW Advisory) on the further information submitted in relation to the above application. This letter comprises NRW Advisory's (NRW (A)) response to NRW's Permitting Service (NRW PS) on the Awel-y-Môr Marine Licence (ML) application information documents.</p>	<p>These general comments are noted as context and the Applicant has no comment to make. Responses to the detailed topic-specific comments are provided in the rows below.</p>
ML2-NRW(A)-0.2	<p>Generally, our comments are made without prejudice to any further comments we may wish to make in relation to this application, the Planning Act 2008 Development Consent Order application, the Environmental Statement (ES), Report to Inform Appropriate Assessment (RIAA), or other further evidence and documents provided by the Applicant, NRW PS or other interested parties. Our comments are based solely on the information provided within the application documents to date. At the time of any further consultation there may be new information available which we will need to consider in making a formal response to NRW PS.</p>	
ML2-NRW(A)-0.3	<p>NRW (A) has reviewed the further information submitted in support of the ML application for the project, and, notwithstanding our key concern raised in this consultation response, considers the submission, on balance, to be comprehensive, thorough and of a good quality. NRW (A) is pleased to note that the vast majority of our previous concerns as raised during the pre-</p>	

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
	application and statutory application processes, have been appropriately addressed.	
ML2-NRW(A)-0.4	Our key remaining concern relates to the potential impacts of the project on designated landscapes. Our detailed comments on the further information submitted by the Applicant are provided in the Annex to this letter. The advice in this response should be read in conjunction with, and are additional to, NRW's previous submissions on the ML application documents (NRW (A) letter to NRW PS dated 03 August 2022). The following Table of Contents identifies the topics and locations of our comments within Annex A.	
ML2-NRW(A)-0.5	Please note that NRW (A) continues to provide advice and evidence into the Development Consent Order (DCO) process as a Statutory Party under the Planning Act 2008 and Infrastructure Planning (Interested Parties) Regulations 2015, and as an 'interested party' under s102(1) of the Planning Act 2008. NRW (A) provided a Written Representation to the Planning Inspectorate on 24 October 2022, as well as a number of additional subsequent responses in answer to questions posed by the Examining Authority and / or in response to additional information submitted by the Applicant. NRW (A)'s advice into the DCO process can be found and accessed here: <a href="#">Awel y Môr Offshore Wind Farm   National Infrastructure Planning (planninginspectorate.gov.uk)</a> .	
ML2-NRW(A)-0.6	NRW (A) will continue to provide advice to the Applicant on all required matters, through correspondence and meetings, with the aim of reaching as many positions of agreement and common ground as possible during the ongoing determination of the Marine Licence Application under the Marine and Coastal Access Act 2009. We are engaging in discussions with the Applicant regarding aspects of this response and hence some of the detailed comments provided below have already been shared with the Applicant directly to allow them to progress preparing further information to address concerns.	
ML2-NRW(A)-0.7	The processes to determine both the DCO and the ML are running concurrently - albeit not fully in parallel. Whilst the two processes are separate and achieve distinct statutory purposes, there are natural areas of overlap between the submissions made under each legislative process. Please be aware that NRW (A) has reviewed all of the relevant documents applicable to NRW (A) that have been submitted into the DCO process to date.	

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
ML2-NRW(A)-0.8	If you have any queries on this letter and the detailed comments herein, please do not hesitate to contact Nia Phillips, Marine Area Advice and Management Team: Nia.Phillips@cyfoethnaturiolcymru.gov.uk	
ML2-NRW(A)-1	<p>1. Physical Processes</p> <p>- Further Information in support of the Marine Licence Application</p> <p>In paragraph 4 of NRW Advisory's (NRW (A)) submission to NRW PS dated 03 August 2023, we advised that post-construction monitoring of secondary scour should be considered and take the form of an environmental monitoring plan. We acknowledge the Applicant's position, as indicated in ML-1.2 (Applicants Response to Marine Licence Consultation Comments and associated documents) and the Marine Licence Principles document [ML -1.14], that monitoring of secondary scour is anticipated to be conducted as part of asset protection surveys undertaken post-construction rather than specific secondary scour monitoring. NRW (A) has considered this approach and, provided that this is appropriately secured, is content with the proposals. We welcome the agreement in document ML-1.2 that a monitoring plan would need to be conditioned as part of any Marine Licence granted by NRW PS. We advise that the plan would need to be agreed in writing.</p>	This is noted and welcomed by the Applicant.
ML2-NRW(A)-2	In paragraph 6 of NRW (A)'s previous submission, we advised that further clarity should be provided with respect to where the dredge arisings from the cable laying activities along the Export Cable Corridor (ECC) will be disposed of. NRW (A) acknowledges the Applicant's intention to apply for further disposal licence(s) for the ECC (and Gwynt-y-Môr Interlink areas) should it be deemed required at the detailed design phase, post-consent. We are content with the clarity provided and have no further concern in relation to this matter.	
ML2-NRW(A)-3	NRW (A) are therefore satisfied that all previous concerns with respect to Physical Processes have been resolved	
ML2-NRW(A)-4	<p>- Conservation of Habitats and Species Regulations 2017 – Regulation 63</p> <p>The works have the potential to indirectly impact the Dee Estuary Special Area of Conservation (SAC) and Menai Strait and Conwy Bay SAC. A Report to Inform Appropriate Assessment (RIAA) has been produced by the Applicant.</p>	This is noted and welcomed by the Applicant.

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
	<p>We agree with the conclusion of the RIAA that, provided the mitigation measures outlined are adhered to, the project will not have an adverse effect on site integrity (AEOSI) and therefore will not undermine the conservation objectives of the designated features of the Dee Estuary SAC and the Menai Strait and Conwy Bay SAC.</p>	
ML2-NRW(A)-5	<p>2.0 Marine Water and Sediment Quality (MW&amp;SQ)  - Further Information in support of the Marine Licence Application</p> <p>Section 2 of NRW (A)'s response, dated 03 August 2022, noted several areas of disagreement with respect to the conclusions reached in the application assessments. In response, the Applicant has provided further evidence and justification in the Marine Water and Sediment Quality Clarification Note (Rev B) [ML-1.7] and associated documents. Having reviewed the additional evidence, we agree that the issues initially raised with respect to Marine Water and Sediment Quality have been rectified. Evidence is provided in the Marine Water and Sediment Quality Clarification Note (Rev B) [ML-1.7] for sediment quality, phytoplankton and dissolved oxygen. As such, we have no further comment to make and agree there is no risk to this receptor from the proposed development.</p>	This is noted and welcomed by the Applicant.
ML2-NRW(A)-6	<p>In our previous response, NRW(A) did not agree that the impact of accidental spills could be considered negligible adverse. The Applicant stated effects would be temporary, whereas contaminants, particularly sediments, can persist in the environment, for long periods of time. We advised that the impact should be considered medium adverse as the ability to meet Environmental Quality Standards (EQS) could be compromised (Chapter 3: Table 6, page 59). Additionally, we advised that impacts will not be short-term as stated, and considerable time would be needed to recover to baseline conditions. However, having reviewed the justifications provided within the Clarification Note, alongside further consideration of the assessment and mitigation measures outlined within the ES, we now agree that this impact can be considered negligible adverse provided that the mitigation commitments outlined in the ES (Chapter 3: Section 3.9, Table 16) and the Marine Water and Sediment Quality Clarification Note, are incorporated into a Project Environmental Management Plan (PEMP) and Marine Pollution Contingency Plan (MPCP), and appropriately secured and delivered, post-consent. We</p>	This is noted and welcomed by the Applicant. A PEMP (incorporating a MPCP) are suggested conditions of any Marine Licence granted in Condition 12 of the Marine Licence Principles (Document ML-2.2 of the Applicant's Marine Licence Deadline 2 submission).

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
	<p>would suggest a condition of the ML may be the appropriate regulatory mechanism to secure this.</p>	
ML2-NRW(A)-7	<p>We also advised that a number of marine water quality inter-relationships had been overlooked from Volume 2: Chapter 3: Section 3.14: Inter-relationships. Whilst some interrelationship links have been missed, this does not alter the conclusions of the ES. We do not consider that there is a risk from these inter-relationships not being listed and we have informed the Applicant of this accordingly. The comments above are provided as points of clarification, and we are satisfied that they do not affect the overall conclusion with respect to MW&amp;SQ.</p>	<p>This is noted and welcomed by the Applicant.</p>
ML2-NRW(A)-8	<p>3.0 Benthic and Intertidal Ecology - Further Information in support of the Marine Licence Application</p> <p>Paragraph 20 of our previous response, dated 03 August 2022, noted that NRW (A) considers that the magnitude of impact from the potential introduction of marine invasive non-native species (mINNS) should be presented as 'Low' and not 'negligible' (Volume 2: Chapter 5: (6.2.5) Section 5.11.4, paragraph 191) because of the continuous risk of mINNS being introduced. Notwithstanding this, we advised that we consider that the significance of the impact would still be minor and therefore not significant in Environmental Impact Assessment (EIA) terms. We note this has been acknowledged by the Applicant and that the conclusion of minor adverse is welcome. We consider this issue to now be resolved.</p>	<p>This is noted and welcomed by the Applicant.</p>
ML2-NRW(A)-9	<p>NRW (A) acknowledges the commitment of the Applicant to produce a biosecurity risk assessment to be conditioned within the ML, as outlined in the Schedule of Mitigation [ML - 1.16] and the Marine Licence Principles document [ML-1.14]. We have previously recommended that the marine biosecurity plan be a free-standing document kept separate to the terrestrial plan as outlined in Volume 3: Chapter 5 (6.3.5) and the Outline INNS Management Plan. This has now been acknowledged and proposed by the Applicant in ML1.14 and associated documents. We welcome the Applicant's commitment that a freestanding marine biosecurity plan will be produced. NRW (A) should be</p>	<p>This is noted and welcomed by the Applicant. A PEMP (incorporating a Marine Biosecurity Plan) is proposed as a condition of any Marine Licence granted, as per Condition 16 of the Marine Licence Principles (Document ML-2.2 of the Applicant's Marine Licence Deadline 2 submission), for agreement with NRW post-consent.</p>

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
	consulted on the suitability of a marine biosecurity risk assessment and plan ahead of commencement of activities.	
ML2-NRW(A)-10	Should the Port of Holyhead be used for the berthing of vessels during construction, operation and/or decommissioning, then we advise that specific management measures may be required on top of standard biosecurity risk assessment protocols. This is due to the presence of the highly invasive carpet seasquirt <i>Didemnum vexillum</i> . Any specific measures that might be required should be managed via the marine biosecurity risk assessment and management plan, to be agreed in writing with NRW (A) post-consent, once further details are known.	
ML2-NRW(A)-11	<p>- Conservation of Habitats and Species Regulations 2017 – Regulation 63</p> <p>The works have the potential to indirectly impact the Dee Estuary SAC and Menai Strait and Conwy Bay SAC. We agree with the conclusion of the Applicants RIAA that, provided the mitigation measures outlined are adhered to, the project will not have an AEOSI and therefore will not undermine the conservation objectives of the benthic designated features of the Dee Estuary SAC and the Menai Strait and Conwy Bay SAC</p>	This is noted and welcomed by the Applicant.
ML2-NRW(A)-12	<p>- Biodiversity Duty under the Environment (Wales) Act 2016: Section 7 habitats</p> <p>The following Section 7 habitats and species were recorded within the development:</p> <ul style="list-style-type: none"> <li>▲ Annex I Stony Reef</li> <li>▲ Sabellaria alveolata reef</li> <li>▲ Peat and Clay exposures</li> </ul>	This is noted and welcomed by the Applicant.
ML2-NRW(A)-13	From the evidence presented (Volume 2: Chapter 5: Section 5.7.4, paragraph 95), the areas of low resemblance stony reef do not meet the strong justification criteria in terms of biological communities that NRW (A) would expect within an Annex I stony reef feature. Stony reef can be categorised according to Irving (2009) with additional clarification provided by Golding et al. (2020). The criteria state that low resemblance stony reef can be included as an Annex 1 feature where there is "strong justification". NRW (A) currently advise that any	

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
	<p>justification for inclusion of low resemblance stony reef should be based on the following:</p> <ul style="list-style-type: none"> <li>➤ i. the associated biological community is composed of a diverse mix of epibiota, including erect and / or branching forms, and / or;</li> <li>➤ ii. the substrate is relatively stable and allows longer lived or slow growing epibiota to persist.</li> </ul>	
ML2-NRW(A)-14	NRW (A) therefore agrees with the conclusion presented in the project application that the discrete patches of stony habitats found in the ECC area would not qualify as Annex I stony reef.	
ML2-NRW(A)-15	Both the small patches of Sabellaria alveolata and the piddocks in clay are found in existing pipelines or in small patches on the boundary of the cable route and as noted by the Applicant, will remain in place and undisturbed. Therefore, there will be no potential impact on these Section 7 habitats from the development.	
ML2-NRW(A)-16	<p>- Marine and Coastal Access Part 5: Nature Conservation – Marine Conservation Zones</p> <p>We agree there is no significant risk of the proposed works hindering the achievement of the conservation objectives stated for the Skomer Marine Conservation Zone (MCZ) from a benthic perspective.</p>	This is noted and welcomed by the Applicant.
ML2-NRW(A)-17	<p>4.0 Coastal Habitats</p> <p>We welcome the confirmation, as detailed in ML-1.2, ML-1.13 and ML-1.14 that trenchless crossing techniques will be used for the installation of cables beneath the Clwyd Estuary.</p>	This is noted and welcomed by the Applicant.
ML2-NRW(A)-18	NRW (A) have reviewed the updated ML form [ML-1.13] and have no concerns on the trenchless techniques identified e.g. Horizontal Directional Drilling (HDD). We have previously advised the Applicant on the suitability of the Outline Pollution Prevention and Emergency Incident Response Plan which includes consideration of the risks of discharges of contaminated water (including with sediments). NRW (A) are satisfied with the information provided in the Outline Plan, acknowledging that the detailed measures will need to be agreed in the final Plan that will be approved by Denbighshire County Council (in consultation with NRW) as part of Requirement 10 of the DCO.	This is noted and welcomed by the Applicant.

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
ML2-NRW(A)-19	<p>5.0 Fish and Shellfish Ecology</p> <p>- Further Information in support of the Marine Licence Application</p> <p>In NRW (A)'s response of 03 August 2022 to the ML consultation, NRW (A) noted it disagreed that there is no potential for simultaneous, partly overlapping, or sequential noise from planned offshore windfarms to adversely affect consecutive spawning seasons of fish species. We also noted that NRW (A) does not consider it appropriate for the cumulative effects assessment to rely on potential future regulations or mitigation that has no commitment or delivery mechanism attached to it.</p>	This is noted and welcomed by the Applicant.
ML2-NRW(A)-20	<p>We have reviewed the Applicant's Cumulative Effects Assessment (CEA) Clarification Note [ML-1.24] submitted as further information and confirm that the note has now explained, to NRW (A)'s satisfaction, that the worst-case scenario applies to all hearing sensitive fish, and that the conclusions of the assessment of 'minor adverse' are therefore applicable also to cod.</p> <p>Furthermore, the note satisfactorily clarifies that the CEA conclusion does not rely on future measures which may mitigate piling noise effects, but, is based on best available information from Awel-y-Môr in-combination with the identified projects. The CEA Clarification Note [ML-1.24] has therefore resolved the issues raised in NRW (A)'s response of 03 August 2022 to the ML consultation and we have no further concerns regarding the CEA for fish and shellfish receptors.</p>	
ML2-NRW(A)-21	<p>Both the CEA Clarification Note [ML-1.24] and the Fish and Shellfish Ecology Clarification Note [ML-1.6] have been submitted as further information to address concerns raised in NRW's response of 03 August 2022 to the ML consultation and with respect to errors in the impact assessment on fish valued ecological receptors. These two notes satisfactorily address NRW (A)'s concerns from a fish receptor perspective. As such, based on the information provided in the Applicants further information submission for the ML, NRW (A) is satisfied that there are no outstanding areas of disagreement on fish and shellfish receptors.</p>	
ML2-NRW(A)-22	<p>- Conservation of Habitats and Species Regulations 2017 – Regulation 63</p> <p>We agree with the conclusion of the Applicants RIAA that that the project will not undermine the conservation objectives of the designated migratory fish features of the River Dee and Bala Lake SAC and Dee Estuary SAC.</p>	This is noted and welcomed by the Applicant.

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
ML2-NRW(A)-23	<p>- Marine and Coastal Access Part 5: Nature Conservation – Marine Conservation Zones</p> <p>We agree there is no significant risk of the proposed works hindering the achievement of the conservation objectives stated for the Skomer Marine Conservation Zone (MCZ) from a fish perspective.</p>	This is noted and welcomed by the Applicant.
ML2-NRW(A)-24	<p>6.0 Marine Ornithology</p> <p>In our response of 03 August 2022, NRW (A)'s advised that a detailed assessment of the potential impacts of the Awel-y-Môr project on the breeding seabird features of Pen-y-Gogarth / Great Orme's Head Site of Special Scientific Interest (SSSI) was required as the assessment was not been carried out sufficiently to assess effects on these features. This has now been provided [ML-1.4] (Marine Ornithology Great Orme Assessment Rev C). From the evidence submitted by the Applicant, NRW (A) are satisfied that there will be no significant effect on the breeding seabird features of Pen-y-Gogarth / Great Orme's Head SSSI.</p>	This is noted and welcomed by the Applicant.
ML2-NRW(A)-25	<p>NRW (A) welcomes the Applicant's commitment to Red Throated Diver (RTD) validation monitoring as detailed in Condition 34 of the Marine Licence Principles [ML-1.14] and associated documents. We advise that the monitoring plan should be agreed in writing with NRW (A).</p>	This is noted and welcomed by the Applicant. Ornithological monitoring is proposed as a condition of any Marine Licence granted in Condition 34 of the Marine Licence Principles (Document ML-2.2 of the Applicant's Marine Licence Deadline 2 submission).
ML2-NRW(A)-26	<p>In document ML-1.22, Reference ML-NRW(A)-6.59-6.61, the Applicant has incorrectly stated that NRW (A) has agreed that "...high displacement levels observed for other RTD wintering areas within the UK and Europe are not applicable to the Liverpool Bay SPA". NRW (A) disagrees with this statement. NRW (A)'s advice is specific to Awel-y-Môr and does not apply more generally across Liverpool Bay Special Protection Area (SPA).</p>	This is noted by the Applicant. The Applicant also notes the recently updated Conservation Objectives for the Liverpool Bay SPA and welcomes NRW's confirmation that the conclusion of no AEoI remains valid in light of these updated Conservation Objectives.
ML2-NRW(A)-27	<p>As detailed in paragraph 60-61 of our response of 03 August 2022, we note that the displacement of RTD in this part of Liverpool Bay SPA is not consistent with what has been observed in other areas of Liverpool Bay SPA. For example, the Burbo Bank Extension RTD monitoring programme (HiDef 2020), which demonstrated large-scale RTD displacement by a windfarm located within Liverpool Bay SPA. The proposed location of Awel-y-Môr is adjacent to, but not within Liverpool Bay SPA and therefore the effect of displacement from the buffer of Gwynt-y-Môr windfarm was the most relevant evidence to use in this</p>	

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
	<p>case. From the evidence provided by the Applicant, it does appear that the extent of the supporting habitat for RTD within Liverpool Bay SPA will be maintained if the project is constructed and therefore there will be no adverse effect on the RTD feature of Liverpool Bay SPA from loss of habitat. However, the difference in findings between the evidence submitted by the applicant for Awel-y-Môr and those of the Burbo Bank Extension RTD monitoring programme demonstrate the continued need to consider proposed windfarm developments within or near Liverpool Bay SPA, on a case-by-case basis.</p>	
ML2-NRW(A)-28	<p>NRW (A) agrees with the Applicant that a Vessel Traffic Management Plan is needed and we acknowledge the Applicant's commitment to this as noted in Condition 34 of the Marine Licence Principles document [ML-1.14]. We advise that the VTMP should be agreed in writing with NRW (A).</p>	<p>This is noted and welcomed by the Applicant. A Vessel Traffic Management Plan is proposed to be a condition of any Marine Licence granted under Condition 34 of the Marine Licence Principles (Document ML-2.2 of the Applicant's Marine Licence Deadline 2 submission).</p>
ML2-NRW(A)-29	<p>- Marine and Coastal Access Part 5: Nature Conservation – Marine Conservation Zones</p> <p>We agree there is no significant risk to the Skomer MCZ from an ornithological perspective, as this is covered by the assessment of Skomer, Skokholm &amp; Seas off Pembrokeshire SPA.</p>	<p>This is noted and welcomed by the Applicant.</p>
<p>Note that there were no paragraphs with references 30-34 within NRW(A)'s response which appeared to be a typographical error. To ensure referencing within this document remains consistent with NRW(A)'s paragraph references, the Applicant has maintained the numbering used by NRW(A).</p>		
ML2-NRW(A)-35	<p>7.0 Marine Mammals</p> <p>Several issues were described in our response dated 03 August 2022, specifically paragraph 66-77, and are summarised below in bold. Following detailed discussion with NRW (A), the Applicant has submitted further information (as outlined in Annex 1 of the MLT consultation letter) to address these concerns. NRW (A) are satisfied that our original concerns have been adequately addressed and we have no further outstanding issues in relation to marine mammals; these are captured in our Statement of Common Ground with the Applicant [ML-1.28].</p>	<p>This is noted and welcomed by the Applicant.</p>
ML2-NRW(A)-36	<p>Absence of Interim Population Consequences of Disturbance (iPCoD) modelling for harbour porpoise disturbance and Permanent Threshold Shift (PTS) injury (paragraph 71 a): Information presented by the Applicant in ML-1.8</p>	<p>This is noted and welcomed by the Applicant.</p>

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
	confirmed NRW's inhouse iPCOD modelling results - that there are no significant population consequences for these pathways.	
ML2-NRW(A)-37	Absence of cumulative PTS in harbour porpoise for HRA (paragraph 71 b): Similarly, information from the above iPCOD modelling confirms no AEOSI for harbour porpoise SACs from PTS.	This is noted and welcomed by the Applicant.
ML2-NRW(A)-38	The exclusion of cumulative PTS-onset from the Marine Mammal Mitigation Protocol (MMMP) (paragraph 71 c): The Applicant has confirmed that cumulative PTS will be mitigated in the final MMMP.	This is noted and welcomed by the Applicant.
ML2-NRW(A)-39	The use of Dose/Response (D/R) curves to conduct area-based assessments for estimating the area of harbour porpoise habitat disturbed (paragraph 71 d): The clarification note provided an assessment of overlap with North Anglesey Marine SAC using a variety of area measures, all of which confirmed no AEOSI.	This is noted and welcomed by the Applicant.
ML2-NRW(A)-40	An analysis of impulsive noise for bottlenose dolphin using a fixed threshold, such as 160 dB SPLrms (Level B harassment) for comparison against the use of harbour porpoise D/R curve as a proxy (paragraph 71d): This information was provided by the Applicant in ML-1.26 and NRW (A) are satisfied that even for the more precautionary D/R curve, effects are minimal and not of concern.	This is noted and welcomed by the Applicant.
ML2-NRW(A)-41	Justification to support the conclusion of no Likely Significant Effect from vessel collision for bottlenose dolphin, grey seal or harbour porpoise features of relevant SACs (paragraph 72-75): The clarification note redescribed the pathway as an LSE and placed the use of mitigation (Vessel management Plan) within the Appropriate Assessment (AA) stage of the HRA. This now provides adequate justification to rule out AEOSI with mitigation.	This is noted and welcomed by the Applicant.
ML2-NRW(A)-42	Understanding the proportion of the harbour porpoise Celtic and Irish Sea Marine Mammal Management Unit (CIS MU) habitat disturbed (paragraph 71 a): Table 2 of the clarification note now provides this information and NRW (A) are satisfied that this level of disturbance (<5% of the MU) presents no major concern.	This is noted and welcomed by the Applicant.

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
ML2-NRW(A)-43	<p>Subsequent to our response dated 03 August 2022, NRW (A) also identified discrepancies in the approach to Cumulative effects/in-combination assessments in Environmental Impact Assessment (EIA) and HRA respectively, where some development/projects were excluded from the marine mammal assessments but included for fish assessments, and, differences between the cumulative assessment and the in-combination assessment were identified. This issue was picked up in response to a Examining Authority question under the DCO and has subsequently been discussed and outlined in ML-1.24. NRW (A) is now satisfied that the cumulative/in-combination assessment conclusions remain as before; that is, no significant cumulative /in-combination effect of underwater noise on marine mammals.</p>	<p>This is noted and welcomed by the Applicant.</p>
ML2-NRW(A)-44	<p>- Marine and Coastal Access Part 5: Nature Conservation – Marine Conservation Zones</p> <p>We agree there is no significant risk to the Skomer MCZ from a marine mammal perspective. The analysis for seals in the ES and RIAA includes effects on seals – a feature of the MCZ – at the wider scale MMMU which encompasses Skomer MCZ. An assessment has also been made for Pembrokeshire Marine SAC and this also adequately covers the requirements of the MCZ assessment.</p>	<p>This is noted and welcomed by the Applicant.</p>
ML2-NRW(A)-45	<p>8.0 Water Framework Directive (Coastal and Transitional Water Bodies)</p> <p>- EU Water Framework Directive</p> <p>NRW (A) advise that the proposed works are not likely to have any potential impacts on Water Framework Directive status or targets for relevant water bodies, based upon the information provided by the Applicant to date, including taking into account the further information which has been submitted by the Applicant as listed above. Notwithstanding this, it should be noted that the current conclusions in relation to the Clwyd transitional WFD water body are based upon the proposal to employ trenchless techniques for cable crossings; if this changes, then the WFD Compliance Assessment will need to be revisited and any impacts will need to be reassessed.</p>	<p>This is noted and welcomed by the Applicant.</p>
ML2-NRW(A)-46	<p>9.0 Decommissioning</p> <p>NRW (A) notes and accepts the comments provided by the Applicant in ML-1.2 in response to section 9 of our previous response.</p>	<p>This is noted and welcomed by the Applicant.</p>

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
ML2-NRW(A)-47	<p>10.0 Seascape and Landscape – KEY CONCERN</p> <p>- Seascape, Landscape and Visual Effects</p> <p>In our previous advice to the NRW PS on 03 August 2022, NRW (A) raised concerns that the offshore works are likely to have numerous and extensive significant adverse effects on seascape, landscape and visual receptors within the Isle of Anglesey Area of Outstanding Natural Beauty (AONB) and Eryri (Snowdonia) National Park (NP) and within their settings. We have reviewed the additional information provided by the Applicant, however, we can confirm that our advice remains unchanged and that, as explained below, our significant concerns remain.</p>	This is noted by the Applicant.
ML2-NRW(A)-48	<p>In paragraph 139 of our previous response we advised, based on the application as submitted, that further mitigation in the form of a substantial reduction in array area and/or scale or number of turbines would be required to minimise adverse effects on the Isle of Anglesey AONB and Eryri NP. We advised a further consideration of NRW's evidence base "Seascape &amp; visual sensitivity to offshore wind farms in Wales: Strategic assessment and guidance" (White Consultants for NRW, March 2019, from hereon in referred to as the "White Consultants Reports"), would assist in informing an appropriate reduction.</p>	<p>The Applicant has taken a number of measures to mitigate effects, including reducing the western extent of the array boundary. The Applicant considers that a further substantial reduction in the array area, number of turbines, or turbine scale to such an extent which would reduce effects to an adequate extent in NRW's view, is not possible.</p> <p>The Applicant is therefore progressing with a financial package (for agreement with the North Wales Local Planning Authorities in consultation with NRW) which aims to fund projects that seek to conserve and enhance the natural beauty of the Anglesey AONB and Eryri National Park (in addition to the Great Orme Heritage Coast). These discussions are taking place alongside the DCO process and commercial negotiations are ongoing.</p>
ML2-NRW(A)-49	<p>Having reviewed the additional information, we note that no further mitigation has been proposed by the Applicant. Our detailed comments as provided on 03 August 2022 therefore remains unchanged.</p>	<p>The Applicant has nothing further to add in relation to its review of the White Consultants Report.</p> <p>The Applicant notes that NRW's position with regard to White Consultants' Stage 3 Report is reflected in its written submissions and further notes that it is a technical guidance note as opposed to adopted policy and the report was not subject to industry consultation. Nevertheless, the Applicant has had regard to the White Consultants' Report in developing the ES, including discussions on it via the Evidence Plan process.</p>
ML2-NRW(A)-50	<p>We note that the Applicant has provided additional information including their responses to our comments to MLT on 03 August 2022 [ML-1.2] and their review of the White Consultants Reports. We consider further clarification is required on specific matters raised in the latter document, as explained below.</p>	<p>The Applicant has nothing further to add in relation to its review of the White Consultants Report.</p> <p>The Applicant notes that NRW's position with regard to White Consultants' Stage 3 Report is reflected in its written submissions and further notes that it is a technical guidance note as opposed to adopted policy and the report was not subject to industry consultation. Nevertheless, the Applicant has had regard to the White Consultants' Report in developing the ES, including discussions on it via the Evidence Plan process.</p>
ML2-NRW(A)-51	<p>- ML-1.10 Applicants response to NRW Written Reps &amp; paras 3.1.24 - 3.1.25 re White Consultants Report.</p> <p>The White Consultants' Reports are commissioned research reports which provide evidence about seascape and visual sensitivity as it relates to potential offshore windfarms in Wales. The Reports constitute technical guidance and aim to guide developers to locations where significant effects on designated landscapes could potentially be avoided, or minimised. The distances and</p>	<p>The Applicant has nothing further to add in relation to its review of the White Consultants Report.</p> <p>The Applicant notes that NRW's position with regard to White Consultants' Stage 3 Report is reflected in its written submissions and further notes that it is a technical guidance note as opposed to adopted policy and the report was not subject to industry consultation. Nevertheless, the Applicant has had regard to the White Consultants' Report in developing the ES, including discussions on it via the Evidence Plan process.</p>

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
	buffer areas in Stage 1 are intended to guide developers to avoid significant adverse effects on high sensitivity visual receptors, whilst Stage 2 provides siting guidance and Stage 3 sensitivity assessment guidance.	
ML2-NRW(A)-52	The White Consultants Reports were produced by a leading UK landscape/seascape consultant in the field and have been through normal NRW internal review and sign-off procedures with a technical client highly experienced in seascape matters. NRW refers to these reports, to provide transparency, as the most comprehensive available reference on the subject at the time of the commissioning and accepting this is an evolving subject. Whilst not directly peer reviewed by the industry, the reports were informed by a digest and analysis of Seascape, Landscape and Visual Impact Assessments (SLVIA) prepared by consultants working for the industry and anticipated future trends such as increases in turbine height up to 350m.	
ML2-NRW(A)-53	The evidence (Stage 1 Report, No 315) is a digest and analysis of past SLVIAs for offshore windfarms with different wind turbine sizes, most of which were prepared by consultants working for developers or used at inquiry / examinations, and therefore subject to their review processes. The analysis therefore reflects a consensus of magnitude of visual effect which informs buffer size. The spatial strategy report (Stage 3 Report, No 331) reflects the conclusions of the evidence report in terms of buffer size. The reports are typically used as one layer in spatial constraints analysis.	
ML2-NRW(A)-54	The White Consultants Reports have been shared with consultants working on other windfarm projects and NRW (A) understands that they are being used and applied.	
ML2-NRW(A)-55	Furthermore, the work was informed by and complementary to the Offshore Energy Strategic Environmental Assessment (OESEA) background studies carried out for the Department for Business, Energy and Industrial Strategy (BEIS), which explored UK/worldwide industry trends and analysed SLVIAs to inform buffer sizes. The OESEA continues to be applied by industry and various bodies and the recent OESEA Review and update of seascape and visual buffer study for offshore windfarms (BEIS (2020)) has been consulted on with responses being generally supportive and the buffers not challenged (BEIS (2022) Section 2.9).	

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
ML2-NRW(A)-56	In relation to the Wales National Marine Plan, the reports do not indicate areas for exclusion. The reports indicate relative sensitivity and evidence in terms of buffer size. The Wales National Marine includes a designated landscape (SOC_06) and seascape policy (SOC_07), which the White Consultants Reports supports.	
ML2-NRW(A)-57	<p>- Conclusion</p> <p>To conclude, in view of the numerous significant effects identified (as set out in our response to the NRW PS on 03 August 2022), and in the absence of further mitigation by the Applicant, we advise that the proposal would significantly conflict with the purposes of the AONB and NP designations in relation to the conservation and enhancement of natural beauty.</p>	<p>The Applicant provided a document to the DCO Examination providing further detail in respect of the Applicant's position on impacts on designated landscapes (PINS reference REP5-007).</p> <p>As noted above, the Applicant is therefore progressing with a financial package (for agreement with the North Wales Local Planning Authorities in consultation with NRW) which aims to fund projects that seek to conserve and enhance the natural beauty of the Anglesey AONB and Eryri National Park (in addition to the Great Orme Heritage Coast). These discussions are taking place alongside the DCO process and commercial negotiations are ongoing.</p>
ML2-NRW(A)-58	In our previous response, NRW (A) advised that opportunities for enhancement of the designated landscapes should be considered in accordance with Welsh National Marine Plan Policy SOC_06: Designated Landscapes. As highlighted by the Applicant in comment MLNRW(A)-10.140 of ML-1.2, the Applicant is engaging with NRW(A) as well as other key stakeholders to discuss opportunities for enhancement of the designated landscapes.	<p>This is noted and welcomed by the Applicant.</p>
ML2-NRW(A)-59	<p>11.0 Air Quality</p> <p>In paragraph of 141 of our previous response, we advised that there was no assessment of any air quality impacts arising from marine vessel emissions. It was unclear whether marine vessels will operate within proximity to sensitive coastal onshore habitat (that may support features of SSSIs/SACs/Ramsar). An Air Quality Clarification Note has been submitted by the Applicant [ML-1.9] Based on the information provided in this note, NRW (A) are now satisfied that marine vessels are not likely to have significant effects, or, AEOSI on any designated onshore coastal habitat.</p>	<p>This is noted and welcomed by the Applicant.</p>
ML2-NRW(A)-60	<p>12.0 Flood Risk</p> <p>NRW (A) are of the view that flood risk issues for the project are all covered by the DCO process and all associated with the onshore works.</p>	<p>This is noted by the Applicant.</p>
ML2-NRW(A)-61	<p>13.0 Schedule of Mitigation and Marine Licence Principles</p> <p>We note, at paragraph 8 of the Marine Licence Principles document [ML-1.14], that the Schedule of Mitigation [ML-1.16] and the Marine Licence Principles</p>	<p>The Schedule of Mitigation and Monitoring has been updated to include references to the proposed conditions in the Marine Licence Principles</p>

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
	document should crossrefer to each other in order to confirm where the mitigation measures secured in the Schedule of Mitigation would be secured through the Marine Licence, and to clarify where different terms for plans and documents are used in the Schedule of Mitigation. NRW notes that a small number of discrepancies between the Schedule of Mitigation [ML-1.16] and the Marine Licence Principles document [ML-1.16] remain. NRW (A) advise that the Applicant undertakes another cross-check between the documents for the reasons outlined in paragraphs 143 of our previous ML response.	(Document ML-2.3 of the Applicant's Marine Licence Deadline 2 submission).
ML2-NRW(A)-62	For the avoidance of doubt, NRW (A) recommends that the title of future updated versions of the Schedule of Mitigation is amended to reflect the fact that the document contains details relating to both mitigation measures and monitoring – currently the document title only refers to Mitigation.	The title of the document has been updated to 'Schedule of Mitigation and Monitoring' (Document ML-2.3 of the Applicant's Marine Licence Deadline 2 submission).

## 2.3 The Ministry of Defence (MoD)

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
ML2-DIO-1	As per your e-mail below regarding a Marine Licence Application for the Awel y Mor Offshore Wind Farm and the further information received from the applicant, I can confirm after review that our previous No Objection response of 02/08/2022 remains extant. I hope this information is sufficient for your purposes.	This is noted by the Applicant.

## 2.4 Cadw

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
ML2-CADW-1	The additional information submitted does not alter Cadw's advice given in August 2022.	This is noted by the Applicant.

## 2.5 Clwyd-Powys Archaeological Trust (CPAT)

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
ML2-CPAT-1	We would have no additional comments on this application as we are dealing with this application entirely through the planning and DCO consent process in terms of the historic environment and only have a remit in this case for the onshore works. You may wish to consult Dr Julian Whitewright (Marine Investigator) at RCAHMW julian.whitewright@rcahmw.gov.uk who deals with the offshore aspects of the development.	This is noted by the Applicant. RCAHMW were consulted by NRW and submitted a response which is included in Section 2.6 below.

## 2.6 Royal Commission on Ancient and Historic Monument of Wales (RCAHMW)

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
ML2-RCAHMW-1	As far as I can see from the list of further information documents, this does not include any revised information relating to marine archaeology. As such, I have no additional comments to add to those we originally responded with.	This is noted by the Applicant.

## 2.7 National Air Traffic Services (NATS)

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
ML2-NATS-1	Reading through the correspondence history there may have been some confusion in relation to offshore and onshore elements of the Awel y Mor proposal.	This is noted by the Applicant. The radar mitigation contract has been agreed and is being signed by the parties. The Applicant expects this to be resolved in advance of close of the DCO examination.
ML2-NATS-2	For clarity NATS has an objection to the proposal and this relates solely to the turbines themselves. We are working closely with the developer on this (a summary of the position is captured in the attached correspondence between ourselves and the Planning Inspectorate) and we expect to find a mutually acceptable way forward in relation to the impact on our radar systems.	

## 2.8 Centre for Environment, Fisheries and Aquaculture Science (Cefas)

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
ML2-CEFAS-1	I thank the applicant for providing the PSA data in the NRW Permitting Services template. I have reviewed the data and can confirm that the samples are predominantly sand, and sand and gravel.	This is noted by the Applicant.
ML2-CEFAS-2	I thank the applicant for providing the results in the NRW Permitting Services template. No further comments.	This is noted by the Applicant.
ML2-CEFAS-3	The treatments applied in the preparation method of the samples do not make the analysis results obtained directly comparable to Cefas Action levels and the Laboratory that undertook the analysis is not on a validated list for me to be confident with the analysis results provided. Therefore, whilst I can provide some inference on the levels indicated, this information does not provide robust defensible evidence.	This is noted by the Applicant.
ML2-CEFAS-4	Please see my comment to ML-Cefas-21. The analysis undertaken does not lend itself to robust, defensible results. However, given the coarse nature of the material, and the low risk associated with the sand material, I do not think additional samples or analyses are required.	
ML2-CEFAS-5	Minor Comment (No Action): if further samples are to be taken and analysed for PAHs for this project in the future, the full suite of PAHs (including Naphthalene) should be analysed.	This is noted by the Applicant.
ML2-CEFAS-6	<i>(provided in a separate email)</i> I have plotted the coordinates, and can confirm that whilst I do not have a shapefile, from comparing the sample locations to the maps provided in an earlier consultation (ML-2.13_Awel y Môr Marine Licence Plan Areas Map, Date: May 2022, Revision: A) the samples do appear to be representative of the area.	This is noted by the Applicant.

## 2.9 Joint Nature Conservation Committee (JNCC)

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
ML2-JNCC-1	Thank you for consulting JNCC on the Awel y Môr Offshore Wind Farm Limited further information in relation to the above-mentioned Marine Licence application, which we received on 8 December 2022.	These general comments are noted as context and the Applicant has no comment to make. Responses to the detailed topic-specific comments are provided in the rows below.
ML2-JNCC-2	The advice contained within this minute is provided by JNCC as part of our statutory advisory role to the UK Government and devolved administrations on issues relating to nature conservation in UK offshore waters (beyond the territorial limit). We have subsequently concentrated our comments on aspects that we believe relate to offshore waters and defer to comments provided by NRW for aspects relating to inshore waters.	
ML2-JNCC-3	The documents reviewed are; <ul style="list-style-type: none"> <li>▲ Awel y Môr Offshore Wind Farm, Marine Mammal Clarification Note, Marine Licence Submission 1, dated 25 November 2022, Revision: B</li> </ul>	
ML2-JNCC-4	Our review has focussed on Document ML-1.8, Marine mammal clarification note (as above). While this document was written in response to comments from NRW, some of those comments mirrored concerns raised by JNCC.	
ML2-JNCC-5	Section 2.1: Cumulative PTS <p>JNCC disagreed with the applicant's proposal not to mitigate injury to marine mammals based on the cumulative sound exposure level metric. While we agree the current method of assessing injury using this metric is over-precautionary, the precautionary approach requires us to consider it. We note the applicant's commitment to now include this when finalising the mitigation plan (post-consent) unless evidence to the contrary is published in the interim period. JNCC are content with this approach.</p>	This is noted and welcomed by the Applicant.
ML2-JNCC-6	Section 2.2: SAC disturbance <p>The applicant used two approaches in the Report to Inform Appropriate Assessment when assessing noise disturbance in the North Anglesey Marine Special Area of Conservation (SAC); a dose response curve approach and an Effective Deterrence Range (EDR) approach. While JNCC agree with NRW's reservations regarding the use of dose response curve approach to conduct an area-based assessment to estimate disturbance within this site, we currently</p>	This is noted and welcomed by the Applicant.

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
	advocate the use of EDRs. Subsequently we considered the EDR assessment sufficient when providing our advice and agreed with the conclusions drawn.	
ML2-JNCC-7	Section 2.3: Vessel collision JNCC defer to NRW on matters relating to inshore MPAs therefore we have no comment regarding the clarification provided in response to NRW's advice on this topic.	This is noted by the Applicant.
ML2-JNCC-8	Section 2.4: iPCoD We note the additional modelling for harbour porpoise provided and have no further comment on this topic.	This is noted by the Applicant.

## 2.10 The Department for Business, Energy and Industrial Strategy (BEIS)

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
ML2-BEIS-1	BEIS would advise the developer to make early contact with the team if the DCO is granted (OREIDecommissioning@beis.gov.uk).	This is noted by the Applicant.

## 2.11 The Maritime and Coastguard Agency (MCA)

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
ML2-MCA-1	I'm content our response is as per my below email: it appears the only one relevant for us in this consultation is the Statement of Common Ground which is all agreed apart from the points requiring confirmation that navigation and SAR risk controls will be secured in the marine licence conditions.	This is noted by the Applicant.

## 2.12 Natural England

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
ML2-NE-1	<p>Thank you for your consultation dated 08 December 2022. The following constitutes Natural England's formal statutory response.</p> <p>Natural England has no comments to make on the above consultation.</p>	This is noted by the Applicant.

## 2.13 Trinity House

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
ML2-THLHS-0.1	<p>With reference to the above marine licence application, Trinity House advise that the following licence conditions should be provided for:</p> <ul style="list-style-type: none"> <li> <span style="color: green;">▲</span> A plan to be agreed in writing with the NRW following appropriate consultation with Trinity House, the MCA and UKHO, setting out proposed details of the authorised project, including the:           <ul style="list-style-type: none"> <li>▪ a) number, dimensions, specification, foundation type(s) and depth for each WTGs, offshore platforms, substations and meteorological masts;</li> <li>▪ b) the grid coordinates of the centre point of the proposed location for each WTG, platform, substation and meteorological mast;</li> <li>▪ c) proposed layout of all cables; and</li> <li>▪ d) location and specification of all other aspects of the authorised project.</li> </ul> </li> </ul>	The Applicant notes the suggested conditions from Trinity House and has no comment to make.
ML2-THLHS-0.2	<ul style="list-style-type: none"> <li> <span style="color: green;">▲</span> An Aids to Navigation Management Plan to be agreed in writing by NRW following appropriate consultation with Trinity House specifying how the undertaker will ensure compliance with conditions (1) to (4) below, from the commencement of construction of the authorised project to the completion of decommissioning.           </li> </ul>	
ML2-THLHS-1	<ul style="list-style-type: none"> <li> <span style="color: green;">▲</span> 1) The undertaker shall during the whole period from the commencement of construction of the authorised project to the completion of decommissioning exhibit such lights, marks, sounds, signals and other aids to navigation, and to take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.           </li> </ul>	
ML2-THLHS-2	<ul style="list-style-type: none"> <li> <span style="color: green;">▲</span> 2) The undertaker must during the whole period from the commencement of construction of the authorised project to the completion of decommissioning keep Trinity House and the NRW informed of progress of the authorised project including;           </li> </ul>	

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
	<ul style="list-style-type: none"> <li>▪ a. notice of commencement of construction of the authorised project within 24 hours of commencement having occurred;</li> <li>▪ b. notice within 24 hours of any aids to navigation being established by the undertaker; and</li> <li>▪ c. notice within 5 days of completion of construction of the authorised project.</li> </ul>	
ML2-THLHS-3	<ul style="list-style-type: none"> <li>⬆ 3) The undertaker must provide reports to Trinity House on the availability of aids to navigation in accordance with the frequencies set out in the aids to navigation management plan using the reporting system provided by Trinity House.</li> </ul>	
ML2-THLHS-4	<ul style="list-style-type: none"> <li>⬆ 4) The undertaker must during the whole period from the commencement of construction of the authorised project to the completion of decommissioning notify Trinity House and NRW of any failure of the aids to navigation and the timescales and plans for remedying such failures, as soon as possible and no later than 24 hours following the undertaker becoming aware of any such failure.</li> </ul>	
ML2-THLHS-5	<ul style="list-style-type: none"> <li>⬆ Except as otherwise required by Trinity House the undertaker must paint all structures forming part of the authorised project yellow (colour code RAL 1023) from at least the waterline to a height as directed by Trinity House. Unless NRW otherwise directs, the undertaker must paint the remainder of the structures grey (colour code RAL 7035).</li> </ul>	
ML2-THLHS-6	<ul style="list-style-type: none"> <li>⬆ A construction method statement in accordance with the construction methods assessed in the environmental statement and including details of –</li> <li>⬆ i) Cable specification, installation and monitoring, to include: <ul style="list-style-type: none"> <li>▪ a) technical specification of offshore cables below MHWS;</li> <li>▪ b) a detailed cable laying plan for the Order limits, incorporating a burial risk assessment encompassing the identification of any cable protection that exceeds 5% of navigable depth referenced to chart datum and, in the event that any area of cable protection exceeding 5% of navigable depth is identified, details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised or such similar assessment to ascertain suitable burial depths and cable laying techniques, including cable protection; and</li> <li>▪ c) proposals for monitoring offshore cables including cable protection during the operational lifetime of the authorised scheme which includes a risk based approach to the management of unburied or shallow buried cables.</li> </ul> </li> </ul>	

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
ML2-THLHS-7	<p>⚠ The undertaker must ensure that a local notification to mariners is issued at least 14 days prior to the commencement of the authorised project or any part thereof advising of the start date of each work activity and the expected vessel routes from the construction ports to the relevant location. Copies of all notices must be provided to NRW and UKHO within 5 days.</p>	
ML2-THLHS-8	<p>⚠ In case of damage to, or destruction or decay of, the authorised project seaward of MHWS or any part thereof, excluding the exposure of cables, the undertaker shall as soon as reasonably practicable and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify NRW, MCA, Trinity House, the Kingfisher Information Service of Seafish and the UKHO.</p>	
ML2-THLHS-9	<p>⚠ In case of exposure of cables on or above the seabed, the undertaker must within 3 days following identification of a potential cable exposure, notify mariners and inform Kingfisher Information Service of the location and extent of exposure. Copies of all notices must be provided to the NRW, MCA, Trinity House, and the UKHO within 5 days.</p>	
ML2-THLHS-10	<p>⚠ Construction monitoring must include vessel traffic monitoring by automatic identification system for the duration of the construction period. An appropriate report must be submitted to the NRW, Trinity House and the MCA at the end of each year of the construction period.</p>	
ML2-THLHS-11	<p>⚠ Post construction monitoring must include vessel traffic monitoring by automatic identification system for a duration of three consecutive years following the completion of construction of authorised project, unless otherwise agreed in writing by NRW. An appropriate report must be submitted to the NRW, Trinity House and the MCA at the end of each year of the three year period.</p>	

## 2.14 The Port of Mostyn

REFERENCE	STAKEHOLDER COMMENT	APPLICANT'S RESPONSE
ML2-PoM-1	<p>Thank you for forwarding the consultation responses on application Ref ORML 2233, we have no comments to offer.</p>	<p>This is noted by the Applicant.</p>



RWE Renewables UK Swindon Limited

Windmill Hill Business Park

Whitehill Way

Swindon

Wiltshire SN5 6PB

T +44 (0)8456 720 090



Registered office:

RWE Renewables UK Swindon Limited

Windmill Hill Business Park

Whitehill Way

Swindon